

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
MICHAEL MILLER, individually and on :  
behalf of all others similarly situated, :

:  
Plaintiff, :

-v- :

:  
POSEIDON CONCEPTS CORP., A. SCOTT :  
DAWSON, LYLE D. MICHALUK, CLIFFORD L. :  
WIEBE, HARLEY L. WINGER, DEAN R. JENSEN, :  
NEIL RICHARDSON, MATT C. MACKENZIE, and :  
JIM S. MCKEE, :

:  
Defendants. :

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:  
TONY J. TRUNKEL, individually and on :  
behalf of all others similarly :  
situated, :

:  
Plaintiff, :

-v- :

:  
POSEIDON CONCEPTS CORP., A. SCOTT :  
DAWSON, LYLE D. MICHALUK, CLIFFORD L. :  
WIEBE, HARLEY L. WINGER, DEAN R. JENSEN, :  
NEIL RICHARDSON, MATT C. MACKENZIE, and :  
JIM S. MCKEE, :

:  
Defendants. :

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DENISE COTE, District Judge:

The Court having conducted a pretrial conference on May 17, 2013 to address the motions for appointment of lead plaintiff and lead counsel in the class action brought against defendants

RONICALL 1213

5/17/2013

13 Civ. 1213 (DLC)

CASE MANAGEMENT  
ORDER

13 Civ. 1412 (DLC)

Poseidon Concepts Corp., A. Scott Dawson, Lyle D. Michaluk, Clifford L. Wiebe, Harley L. Winter, Dean R. Jensen, Neil Richardson, Matt C. MacKenzie, and Jim S. McKee, it is hereby ORDERED as follows:

I. LEAD PLAINTIFF AND LEAD PLAINTIFF'S COUNSEL

1. Gerald Kolar is appointed Lead Plaintiff.
2. The Rosen Law Firm, P.A. shall serve as Lead Counsel for all plaintiffs in this action and the class.

II. CAPTION

Every pleading filed in this action, and in any separate action subsequently included therein, shall bear the following caption:

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE POSEIDON CONCEPTS  
SECURITIES LITIGATION

12-cv-1213 (DLC)

III. NEWLY FILED OR TRANSFERRED ACTIONS

1. When a class action that relates to the same subject matter as this action is hereafter filed in or transferred to this Court and assigned to the undersigned, it shall be consolidated with this action (provided that any case transferred to this Court solely for pretrial proceedings shall be consolidated only to that extent absent further order of this Court), and the Clerk of Court shall:
  - a. File a copy of this Order in the separate file for such action.

- b. Mail a copy of the Order of assignment of counsel for plaintiffs and counsel for each defendant in the consolidated actions.
  - c. Make an appropriate entry in the Docket.
  - d. Mail to the attorneys for the plaintiff(s) in the newly filed or transferred case a copy of this Order.
  - e. Upon the first appearance of any new defendant(s), mail to the attorneys for such defendant(s) in such newly filed or transferred case a copy of this Order.
2. The Clerk shall maintain a separate file for each of the consolidated actions and filings shall be made therein in accordance with the regular procedures of the Clerk of this Court except as modified by this Order.
3. The Court requests the assistance of counsel in calling to the attention of the Clerk the filing or transfer of any case which might properly be consolidated with this Action.

#### IV. APPLICATION OF THIS ORDER TO SUBSEQUENT CASES

1. This Order shall apply to each class action assigned to the undersigned alleging claims similar to those set forth in this action against Poseidon Concepts Corp., A. Scott Dawson, Lyle D. Michaluk, Clifford L. Wiebe, Harley L. Winter, Dean R. Jensen, Neil Richardson, Matt C. MacKenzie, Jim S. McKee and others.
2. This Order shall apply to each such case which is subsequently filed in or transferred to this Court, and which is assigned to the undersigned unless a party objecting to the consolidation of that case or to any other provision of this Order serves an application for relief from this Order or from any of its provisions within ten (10) days after the date on which the Clerk mails a copy of this Order to counsel for that party.
3. The provisions of this Order shall apply to such action pending the Court's ruling on the application.

4. Unless a plaintiff in a subsequently filed or transferred case is permitted by the Court to use a separate complaint, defendants shall not be required to answer, plead or otherwise move with respect to that complaint in any such case.
5. If a plaintiff in any such case is permitted to use a separate complaint, each defendant shall have thirty (30) days from the date the Court grants such permission within which to answer, plead or otherwise move with respect to any such complaint.

V. STAY

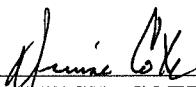
1. For the reasons stated on the record, this case is stayed as to all defendants.
2. Lead Plaintiff shall submit a status report no later than **September 13, 2013**.

VI. SCHEDULE

1. Notwithstanding the stay, Lead Plaintiff shall file a consolidated amended complaint for this action and any actions subsequently consolidated with it on or before **June 14, 2013**.
2. Pending filing and service of the consolidated amended complaint, defendants shall have no obligation to move, answer, or otherwise respond to any complaints in any actions subsequently consolidated with this action.

SO ORDERED:

Dated:      New York, New York  
              May 17, 2013

  
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DENISE COTE  
United States District Judge